

**From:** David Walend  
**To:** Microsoft ATR  
**Date:** 12/6/01 5:36pm  
**Subject:** Please make sure the settlement assures competition for all

Just three quick words on the microsoft settlement:

I'm a bit disappointed that, after six years of struggle, the Justice Department is caving. The proposed settlement doesn't do much for competition. I don't see the connection between donating money to poor schools and preventing monopoly behavior. (At best, it's in the same league as an admitted arsonist donating money to save the dolphins. Letting microsoft donate software would be like letting the arsonist burn down the fleet while claiming to save the dolphins.)

One big problem is that microsoft writes contracts with computer makers that prevent the computer makers from selling any OS except one of the five microsoft makes. The agreement seems to say that they won't be able to do that with any of the big manufacturers. (Maybe... This agreement has so many loopholes scattered through it.) But microsoft can still force smaller manufacturers to be exclusively microsoft shops. That stifles innovation in smaller hardware companies. Another problem is that microsoft's OS is growing by copying functions from existing software by other companies, which breaks the anti-trust rules about extending an existing monopoly, and stifles innovation in other software companies.

Last, I think the shorter the text of the settlement the better. Fifteen pages, or even five, instead of 150. Keep it simple and well-organized so that anyone can read it and see that the law is enforced.

Thanks for hearing me out,

Dave